

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered January 25, 2010 for the patent application 10/806,767 filed on March 23, 2004.
2. The Office Action of October 23, 2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 recites the limitation **“a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the content, a promotional sample of the content, a previously prepared trailer, and a preview of the content”** in lines 8-10. There is insufficient antecedent basis for this limitation in the claim; i.e. any recitation of the term “the content.” Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sie et al. (Pub. No.: US 2003/0233656) in view of Fries et al. (Pub. No.: US 2004/0078807), and further in view of McCoskey et al. (Pub. No.: US 2003/0028889).

Examiner's Note (EN): ¶10. below applies.

Regarding claim 1, Sie et al. disclose **a method of selecting content by way of an interactive programming guide apparatus** (Figs. 11-15, paragraph [0043], lines 12-15, paragraph [0058], lines 3-5) **comprising the steps of: providing access to a plurality of characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content** (Figs. 1A and 1B, element 164, para. [0047]. Sie discloses that the guide database has characterizing descriptors such as program descriptions, ratings, advertisements, schedule times, etc.), **wherein the plurality of characterizing descriptors comprises at least two elements selected from a group consisting essentially of a programming network identifier, an indication of source, a network call sign for a station, a broadcast starting time, a broadcast stopping time, a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the**

content, a promotional sample of the content, a previously prepared trailer, and a preview of the content (Figs. 1A and 1B, element 164, para. [0047]. Sie discloses that the guide database has characterizing descriptors such as program descriptions (which reads on Applicant's "a description of the content" and "information pertaining to the content"), ratings, advertisements, schedule times (which reads on Applicant's "a broadcast starting time" and "a broadcast stopping time"), pricing, usage limits and promotional video and/or audio (which could read on any of the following: "a sample of the content," "a promotional sample of the content," "a previously prepared trailer," or "a preview of the content"). Thus, the plurality comprises at least two elements.), **and providing at least one selection criterion** (Fig. 9, element 920, paragraph [0088], lines 6-12. Sie discloses that a user can manually enter a selection criteria, such as a search term.); **applying the at least one selection criterion with respect to the characterizing descriptors of a first plurality of the discrete selectable items of audio/video content and a second plurality of the discrete selectable items of audio/video content to provide a resultant selection of the first plurality of discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content** (paragraph [0090], lines 1-4. Sie discloses that the guides are customized according to the user preferences. Since in this part of the claim the first and second plurality are not from different service providers, they can be read to be different channels, for example.); **displaying programming guide information comprising information regarding at least a portion of the resultant selection** (Fig. 15, paragraph [0110], Fig. 11, paragraph [0094]. Sie discloses a linear schedule customized for the user.); **supporting a programming guide navigation** (Fig. 11, paragraph [0094], lines 1-3); **reviewing and browsing the information regarding the at least one**

portion of the resultant selection (Fig. 11, paragraph [0094], lines 3-15, paragraphs [0095]-[0096]. Sie discloses that the guide can be customized by the preferences of the user.); **if selecting a particular item of the plurality of discrete selectable items, providing a selection response** (paragraph [0097], lines 1-3. If a user selects a program, that program can be played); **and if not selecting a particular item of the plurality of discrete selectable items, returning to the supporting step** (paragraph [0096]. The user can browse through the programs.).

Sie does not disclose **a multi-source interactive programming guide apparatus, wherein the first plurality of the discrete selectable items of audio/video content differ from the second plurality of the discrete selectable items of audio/video content with respect to at least one parameter selected from a group consisting essentially of a bearer medium, a primary transmission service provider, and a data format.** However, Fries does (Fig. 4, paragraphs [0098] and [0100], lines 6-9. Fries shows 2 or 3 programs for each of Cable TV, Sat TV, Local TV, and VoD TV, which constitutes a plurality of discrete selectable items which differ with respect to both a bearer medium (cable versus satellite) and service provider (cable company versus satellite company).). Fries discloses that “with the exemplary EPG manager, the viewer is freed from the repetitive and confusing task of.....conventional approaches, [when] a viewer must browse (or search) each EPG separately (paragraph [0105], lines 1-2 and paragraph [0104], lines 1-2).” Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the aggregated EPG of Fries to enhance the method of Sie so that a user can use the selection criteria of programs from multiple transmission service providers to form a profile and more easily access programs that may be of interest. This would have

produced predictable and desirable results, as it would allow users who had access to various different service providers to still efficiently sort through incoming program data.

Neither Sie nor Fries explicitly disclose all of the following, but in analogous art, McCoskey discloses **providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword** (paras. [0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey uses, among other things, a keyword to suggest programming to viewers.), **the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user** (paras. [0081]-[0089]. A user can customize the search by changing search criteria.), **wherein the at least one smart filter simultaneously considers content across a plurality of media** (paras. [0017], [0066]. McCoskey discloses performing searches in parallel, which means simultaneously. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention from the teaching of Sie, Fries and McCoskey that if a user were to be presented with a personalized program guide, such as Sie, Fig. 15, but with content from a plurality of media (taught in such places as Fries, Fig. 4, or McCoskey, para. [0017]), that this content should be considered simultaneously so as to present a user with a complete listing of available programming that meets the filtering requirements.), **thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing**

choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different data formats (paras. [0017]-[0018], Figs. 18a-18c, paras. [0063] and [0087]. McCoskey discloses that digital rights management can determine that content can be translated into a different digital content format (Fig. 18a, para. [0074]), and also discloses that a Search Request Qualification can include a list on content types (video, audio, software, text, ebook, etc.), which could obviously be stored in different data formats (MPEG-2 for video, MP3 for audio, HTML for text, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sie and Fries to include the enhanced suggestion techniques as taught by McCoskey, as this would have produced the predictable and desirable results of allowing users to further narrow their search for content, as well as expand their options in terms of from where said content was being received.

Regarding claim 2, the combined teaching of Sie, Fries and McCoskey discloses **the method of claim 1**, and Sie discloses **further comprising: responding to a remote control by scrolling through the programming guide information comprising information regarding at least a portion of the resultant selection** (paragraph [0055], lines 6-9, Fig. 11, paragraph [0096]).

Regarding claim 3, the combined teaching of Sie, Fries and McCoskey discloses **the method of claim 1**, and Sie discloses **further comprising: detecting user selection of a particular one of the plurality of discrete selectable items of audio/visual content** (paragraph [0104], lines 1-4, Fig. 11, paragraph [0096]).

Regarding claim 4, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 1**, and Sic discloses **further comprising providing a user database wherein providing at least one selection criterion further comprises using information from the user database to characterize the at least one selection criterion to be provided** (paragraph [0087]. Sic teaches that user information can be used to characterize selection criterion.).

Regarding claim 5, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 4**, and Sic further discloses **wherein using information from the user database to identify the at least one selection criterion to be provided comprises: accessing information from the user database to discern preferences of a particular user; accessing the characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content; and comparing the preferences of a particular user to the characterizing descriptors of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content** (paragraph [0088]-[0090]).

Regarding claim 6, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 4**, and Sic discloses **further comprising: responding to a remote control by selecting a particular one of the plurality of discrete selectable items of audio/visual content** (paragraph [0055], lines 6-9).

Regarding claim 7, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 1**, and Sic further discloses **wherein providing at least one selection criterion comprises: supplying at least one user-defined keyword; and matching the at least one**

user-defined keyword with at least one of the characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content (paragraph [0082], lines 7-15).

Regarding claim 8 Sie discloses **an interactive programming guide apparatus** (Figs. 11-15, paragraph [0043], lines 12-15, paragraph [0058], lines 3-5) **comprising: a data processing unit comprising at least one element selected from a group consisting essentially of a fixed-purpose dedicated platform, a partially-programmable platform, a cable, and a satellite set-top box** (Fig. 2A, paragraph [0054]); **a plurality of characterizing descriptors, each of which individually correspond to a plurality of discrete selectable items of audio/video content** (paragraph [0047], lines 1-4. Sie discloses that the guide database has characterizing descriptors such as program descriptions, ratings, advertisements, schedule times, etc.), **wherein the plurality of characterizing descriptors comprises at least two elements selected from a group consisting essentially of a programming network identifier, an indication of source, a network call sign for a station, a broadcast starting time, a broadcast stopping time, a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the content, a promotional sample of the content, a previously prepared trailer, and a preview of the content** (Figs. 1A and 1B, element 164, para. [0047]. Sie discloses that the guide database has characterizing descriptors such as program descriptions (which reads on Applicant's "a description of the content" and "information pertaining to the content"), ratings, advertisements, schedule times (which reads on Applicant's "a broadcast starting time" and "a broadcast stopping time"), pricing, usage limits and promotional video and/or audio (which could read on any of the following: "a sample of the

content,” “a promotional sample of the content,” “a previously prepared trailer,” or “a preview of the content”). Thus, the plurality comprises at least two elements.), **and providing at least one selection criterion** (Fig. 9, element 920, paragraph [0088], lines 6-12. Sie discloses that a user can manually enter a selection criteria, such as a search term.); **a control circuitry adapted to: apply the at least one selection criterion with respect to the characterizing descriptors of a first plurality of the discrete selectable items of audio/video content and a second plurality of the discrete selectable items of audio/video content to provide a resultant selection of the first plurality of discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content** (paragraph [0090], lines 1-4. Sie discloses that the guides are customized according to the user preferences. Since in this part of the claim the first and second plurality are not from different service providers, they can be read to be different channels, for example.); **display programming guide information comprising information regarding at least a portion of the resultant selection** (Fig. 15, paragraph [0110], Fig. 11, paragraph [0094]. Sie discloses a linear schedule customized for the user.); **and a support programming guide navigation** (Fig. 11, paragraph [0094], lines 1-3), **wherein the data processing unit utilizes the plurality of characterizing descriptors, the control circuitry, and the support programming guide navigation** (Fig. 2A, paragraph [0054]).

Sie does not disclose **a multi-source interactive programming guide apparatus, wherein the first plurality of the discrete selectable items of audio/video content differ from the second plurality of the discrete selectable items of audio/video content with respect to at least one parameter selected from a group consisting essentially of a bearer medium, a primary transmission service provider, a data format, and at least one selection criteria.**

However, Fries does (Fig. 4, paragraphs [0098] and [0100], lines 6-9. Fries shows 2 or 3 programs for each of Cable TV, Sat TV, Local TV, and VoD TV, which constitutes a plurality of discrete selectable items which differ with respect to both a bearer medium (cable versus satellite) and service provider (cable company versus satellite company).). Fries discloses that “with the exemplary EPG manager, the viewer is freed from the repetitive and confusing task of.....conventional approaches, [when] a viewer must browse (or search) each EPG separately (paragraph [0105], lines 1-2 and paragraph [0104], lines 1-2).” Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the aggregated EPG of Fries to enhance the method of Sie so that a user can use the selection criteria of programs from multiple transmission service providers to form a profile and more easily access programs that may be of interest. This would have produced predictable and desirable results, as it would allow users who had access to various different service providers to still efficiently sort through incoming program data.

Neither Sie nor Fries explicitly disclose all of the following, but in analogous art, McCoskey discloses **at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification and a keyword** (paras. [0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey uses, among other things, a keyword to suggest programming to viewers.), **the at least one smart filter providing step comprising providing each at least one smart filter being**

customizable for each at least one user (paras. [0081]-[0089]. A user can customize the search by changing search criteria.), **wherein the at least one smart filter simultaneously considers content across a plurality of media** (paras. [0017], [0066]. McCoskey discloses performing searches in parallel, which means simultaneously. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention from the teaching of Sic, Fries and McCoskey that if a user were to be presented with a personalized program guide, such as Sic, Fig. 15, but with content from a plurality of media (taught in such places as Fries, Fig. 4, or McCoskey, para. [0017]), that this content should be considered simultaneously so as to present a user with a complete listing of available programming that meets the filtering requirements.), **thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different data formats** (paras. [0017]-[0018], Figs. 18a-18c, paras. [0063] and [0087]. McCoskey discloses that digital rights management can determine that content can be translated into a different digital content format (Fig. 18a, para. [0074]), and also discloses that a Search Request Qualification can include a list on content types (video, audio, software, text, ebook, etc.), which could obviously be stored in different data formats (MPEG-2 for video, MP3 for audio, HTML for text, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sic and Fries to include the enhanced suggestion techniques as taught by McCoskey, as this would have produced the predictable and desirable results of

allowing users to further narrow their search for content, as well as expand their options in terms of from where said content was being received.

Regarding claim 9, the combined teaching of Sie, Fries and McCoskey discloses **the interactive programming guide of claim 8**, and Sie discloses **wherein the control circuitry further comprises filter means for comparing the at least one selection criterion with at least some of the characterizing descriptors of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content to provide the resultant selection** (paragraph [0088], lines 6-12).

Regarding claim 10, the combined teaching of Sie, Fries and McCoskey discloses **the interactive programming guide of claim 8**, and Sie further discloses **wherein the at least one selection criterion is based, at least in part, upon a preference of a present viewer of the interactive programming guide** (paragraph [0090], lines 1-9).

Regarding claim 11, the combined teaching of Sie, Fries and McCoskey discloses **the interactive programming guide of claim 8**, and Sie further discloses **wherein the at least one selection criterion comprises a user-defined keyword** (paragraph [0088], lines 6-9).

Regarding claim 12, the combined teaching of Sie, Fries and McCoskey discloses **the interactive programming guide of claim 8**, and Sie further discloses **wherein the at least one selection criterion is retained in a database** (paragraph [0049], Lines 3-5).

Regarding claim 13, Sie discloses **a method of providing an interactive programming guide apparatus** (Figs. 11-15, paragraph [0043], lines 12-15, paragraph [0058], lines 3-5) comprising the steps of: **providing access to a plurality of characterizing descriptors as**

individually correspond to a plurality of discrete selectable audio/video programs

(paragraph [0047], lines 1-4. Sie discloses that the guide database has characterizing descriptors such as program descriptions, ratings, advertisements, schedule times, etc.), **wherein the**

plurality of characterizing descriptors comprises at least two elements selected from a group consisting essentially of a programming network identifier, an indication of source, a network call sign for a station, a broadcast starting time, a broadcast stopping time, a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the content, a promotional sample of the content, a previously prepared trailer, and a preview of the content (Figs. 1A and 1B, element 164, para. [0047].

Sie discloses that the guide database has characterizing descriptors such as program descriptions (which reads on Applicant's "a description of the content" and "information pertaining to the content"), ratings, advertisements, schedule times (which reads on Applicant's "a broadcast starting time" and "a broadcast stopping time"), pricing, usage limits and promotional video and/or audio (which could read on any of the following: "a sample of the content," "a promotional sample of the content," "a previously prepared trailer," or "a preview of the content"). Thus, the plurality comprises at least two elements.), **and providing at least one**

selection criterion that corresponds to a given individual (Fig. 9, element 920, paras. [0088] and [0090]. Sie discloses that a user can manually enter a selection criteria, such as a search term, and that different users can have different selection criterion.); **applying the at least one selection criterion with respect to the characterizing descriptors of a first plurality of the discrete selectable items of audio/video programs and a second plurality of the discrete selectable items of audio/video programs to provide a resultant selection of the first**

plurality of discrete selectable audio/video programs and the second plurality of the discrete selectable audio/video programs (paragraph [0090], lines 1-4. Sic discloses that the guides are customized according to the user preferences. Since in this part of the claim the first and second plurality are not from different service providers, they can be read to be different channels, for example.); **displaying programming guide information comprising information regarding at least a portion of the resultant selection** (Fig. 15, paragraph [0110], Fig. 11, paragraph [0094]. Sic discloses a linear schedule customized for the user.), **and providing a support programming guide navigation** (Fig. 11, paragraph [0094], lines 1-3).

Sic does not disclose **a multi-source interactive programming guide apparatus, wherein the first plurality of the discrete selectable audio/video programs differ from the second plurality of the discrete selectable audio/video programs with respect to at least one parameter selected from a group consisting essentially of a bearer medium, a primary transmission service provider, and a data format.** However, Fries does (Fig. 4, paragraphs [0098] and [0100], lines 6-9. Fries shows 2 or 3 programs for each of Cable TV, Sat TV, Local TV, and VoD TV, which constitutes a plurality of discrete selectable items which differ with respect to both a bearer medium (cable versus satellite) and service provider (cable company versus satellite company)). Fries discloses that “with the exemplary EPG manager, the viewer is freed from the repetitive and confusing task of.....conventional approaches, [when] a viewer must browse (or search) each EPG separately (paragraph [0105], lines 1-2 and paragraph [0104], lines 1-2).” Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the aggregated EPG of Fries to enhance the method of Sic so that a user can use the selection criteria of programs from multiple transmission service providers to form a

profile and more easily access programs that may be of interest. This would have produced predictable and desirable results, as it would allow users who had access to various different service providers to still efficiently sort through incoming program data.

Neither Sie nor Fries explicitly disclose all of the following, but in analogous art, McCoskey discloses **providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification and a keyword** (paras. [0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey uses, among other things, a keyword to suggest programming to viewers.), **the at least one smart filter providing step comprising providing each at least one smart filter being customizable for each at least one user** (paras. [0081]-[0089]. A user can customize the search by changing search criteria.), **wherein the at least one smart filter simultaneously considers content across a plurality of media** (paras. [0017], [0066]. McCoskey discloses performing searches in parallel, which means simultaneously. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention from the teaching of Sie, Fries and McCoskey that if a user were to be presented with a personalized program guide, such as Sie, Fig. 15, but with content from a plurality of media (taught in such places as Fries, Fig. 4, or McCoskey, para. [0017]), that this content should be considered simultaneously so as to present a user with a complete listing of available programming that meets the filtering requirements.), **thereby providing a coordinated joint display comprising a plurality of integrated results,**

the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different data formats (paras. [0017]-[0018], Figs. 18a-18c, paras. [0063] and [0087]. McCoskey discloses that digital rights management can determine that content can be translated into a different digital content format (Fig. 18a, para. [0074]), and also discloses that a Search Request Qualification can include a list on content types (video, audio, software, text, ebook, etc.), which could obviously be stored in different data formats (MPEG-2 for video, MP3 for audio, HTML for text, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sie and Fries to include the enhanced suggestion techniques as taught by McCoskey, as this would have produced the predictable and desirable results of allowing users to further narrow their search for content, as well as expand their options in terms of from where said content was being received.

Regarding claim 14, the combined teaching of Sie, Fries and McCoskey discloses **the method of claim 13**, and Sie further discloses **wherein providing at least one selection criterion that corresponds to a given individual further comprises ascertaining an identity of a present viewer** (paragraph [0090], lines 6-9).

Regarding claim 15, the combined teaching of Sie, Fries and McCoskey discloses **the method of claim 14**, and Sie further discloses **wherein providing at least one selection criterion that corresponds to a given individual further comprises using the identity to recall at least one previously stored selection criterion** (paragraph [0091], lines 4-7).

Regarding claim 16, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 1**, and Sic discloses **wherein displaying programming guide information further comprises displaying programming guide information comprising information regarding at least a portion of the resultant selection, wherein the resultant selection includes two or more discrete selectable items of audio/video content from at least one of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content** (Fig. 15, paragraph [0110], Fig. 11, paragraph [0094]).

Regarding claim 17, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 13**, and Sic discloses **wherein displaying programming guide information further comprises displaying programming guide information comprising information regarding at least a portion of the resultant selection, wherein the resultant selection includes two or more discrete selectable items of audio/video content from at least one of the first plurality of discrete selectable audio/visual programs and the second plurality of discrete selectable audio/visual programs** (Fig. 15, paragraph [0110], Fig. 11, paragraph [0094]).

Regarding claim 18, the combined teaching of Sic, Fries and McCoskey discloses **the method of claim 1**, and Sic discloses **further comprising: responding to a remote control by scrolling through the programming guide information comprising information regarding at least a portion of the resultant selection** (Fig. 11, paragraph [0096], lines 1-3); **detecting user selection of a particular one of the plurality of discrete selectable items of audio/visual content** (Fig. 11, paragraph [0096], lines 3-9); **providing a user database wherein providing**

at least one selection criterion further comprises using information from the user database to characterize the at least one selection criterion to be provided (paragraph [0087]. Sie teaches that user information can be used to characterize selection criterion.); and responding to a remote control by selecting a particular one of the plurality of discrete selectable items of audio/visual content (Fig. 11, paragraph [0097], lines 1-3), wherein using information from the user database to identify the at least one selection criterion to be provided comprises: accessing information from the user database to discern preferences of a particular user; accessing the characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content; and comparing the preferences of a particular user to the characterizing descriptors of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content (paragraph [0088]-[0090]), wherein providing at least one selection criterion comprises: supplying at least one user-defined keyword (paragraph [0082], lines 7-15); and matching the at least one user-defined keyword with at least one of the characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content (paragraph [0088]), and wherein displaying programming guide information further comprises displaying programming guide information comprising information regarding at least a portion of the resultant selection, wherein the resultant selection includes two or more discrete selectable items of audio/video content from at least one of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content (Fig. 11, paragraph [0094]).

Regarding claim 19, the combined teaching of Sie, Fries and McCoskey discloses **the interactive programming guide of claim 8**, and Sie discloses **wherein the control circuitry further comprises filter means for comparing the at least one selection criterion with at least some of the characterizing descriptors of the first plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content to provide the resultant selection** (paragraph [0088], lines 6-12), **wherein the at least one selection criterion is based, at least in part, upon a preference of a present viewer of the interactive programming guide** (paragraph [0090], lines 1-9), **wherein the at least one selection criterion comprises a user-defined keyword** (paragraph [0088], lines 6-9), and **wherein the at least one selection criterion is retained in a database** (paragraph [0049], lines 3-5).

Regarding claim 20, the combined teaching of Sie, Fries and McCoskey discloses **the method of claim 13**, and Sie discloses **wherein providing at least one selection criterion that corresponds to a given individual further comprises ascertaining an identity of a present viewer** (paragraph [0090], lines 6-9), **wherein providing at least one selection criterion that corresponds to a given individual further comprises using the identity to recall at least one previously stored selection criterion** (paragraph [0091], lines 4-7), and **wherein displaying programming guide information further comprises displaying programming guide information comprising information regarding at least a portion of the resultant selection**, **wherein the resultant selection includes two or more discrete selectable items of audio/video content from at least one of the first plurality of discrete selectable audio/visual programs**

and the second plurality of discrete selectable audio/visual programs (Fig. 15, paragraph [0110], Fig. 11, paragraph [0094]).

Response to Arguments

6. Applicant's arguments filed January 25, 2010 have been fully considered but they are not persuasive.

Regarding Applicant's argument on page 12, concerning claims 1, 8 and 13:

Noteworthy is that the newly cited reference, McCoskey, does not teach, suggest, or motivate, either expressly or implicitly, its aggregator is being even capable of performing a **simultaneous consideration of audio/video content across a plurality of media in a plurality of data formats**. McCoskey merely discloses that the "aggregator may also comprise one or more crawlers, such as a content crawler, to look for program content in one or more digital communication networks" (Abstract). McCoskey never discloses that these crawlers even act simultaneously (Paras. 92 and 97).

Examiner's Response:

Examiner disagrees. First, as stated above in the rejection of claims 1, 8 and 13, McCoskey discloses performing searches in parallel, which means simultaneously (para. [0066]). Furthermore, if Applicant disagrees that McCoskey alone fails to teach simultaneous consideration, Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of the invention from the teaching of Sie, Fries and McCoskey that if a user were to be presented with a personalized program guide, such as Sie, Fig. 15, but with content from a plurality of media (taught in such places as Fries, Fig. 4, or McCoskey, para. [0017]), that this content should be considered simultaneously so as to present a user with a complete listing of

available programming that meets the filtering requirements. Applicant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding Applicant's argument on page 12, concerning claims 1, 8 and 13:

McCoskey never discloses that the aggregator comprises a "smart filter" anywhere in the reference. Additionally, although McCoskey teaches a "content suggestion engine," nowhere does the reference ever teach, or even imply, that such "content suggestion engine" is in any way "enhanced" (Figs. 14a and 14b; Paras. 97 and 98).

Examiner's Response:

For the record, Examiner notes that throughout the priority document and the documents incorporated by reference into the instant application, the term "smart filter" is found two times, in the following context: "Advantages: -Smart filter :: simultaneously consider content across all media available. Filter can also be customizable by a user. If there is multiple member in the family, unique filter per user can be set up (U.S. Provisional Application Serial No. 60/520,752, p. 9, ¶ 6 and p. 11, ¶ 6.)." There is no other mention or definition of the term "smart filter" anywhere else in the related documents. Applicant's disclosure in its entirety does not explain, beyond the definition of a smart filter, how the use of smart filters improves the claimed invention over the state of the art at the time of the invention. Since Applicant's definition of a smart filter is disclosed by the combined teachings of Sie, Fries and McCoskey, as stated above, the fact that McCoskey does not use the term "smart filter" is irrelevant.

For the record, Examiner notes that throughout the priority document and the documents incorporated by reference into the instant application, the term “enhanced suggestion engine” is found one time, in the following context: “Advantages: Enhanced suggestion engine provides suggestions/recommendation based on (either alone or in cooperation a) Nature of the content (uniqueness: a one time event may have priority over a repeating event) b) viewer ID: Genre, Actor, time, channel, keyword, location c) Maybe pre determined, customizable, or user defined keywords (U.S. Provisional Application Serial No. 60/520,752, p. 11, ¶ 6.)” There is no other mention or definition of the term “enhanced suggestion engine” anywhere else in the related documents. Applicant’s disclosure in its entirety does not explain, beyond the definition of an enhanced suggestion engine, how the use of an enhanced suggestion engine improves the claimed invention over the state of the art at the time of the invention. Since Applicant’s definition of an enhanced suggestion engine is disclosed by the combined teachings of Sie, Fries and McCoskey, as stated above, the fact that McCoskey does not use the term “enhanced suggestion engine” is irrelevant.

Regarding Applicant’s argument on pages 12-13, concerning claims 1, 8 and 13:

McCoskey also merely teaches the selection of programming in terms of “content format,” not “data” format. Although McCoskey teaches reformatting a searched piece of content (searched on other bases), McCoskey does not teach, suggest, or motivate, any filter selection criteria based on a plurality of different sources and a plurality of different data formats.

Examiner’s Response:

Examiner disagrees. As discussed above in the rejection of claims 1, 8 and 13, McCoskey discloses that digital rights management can determine that content can be translated into a

different digital content format (Fig. 18a, para. [0074]), and also discloses that a Search Request Qualification can include a list on content types (video, audio, software, text, ebook, etc.), which could obviously be offered, transmitted, and stored in different data formats (MPEG-2 for video, MP3 for audio, HTML for text, etc).

Regarding Applicant's argument on page 13, concerning claims 1, 8 and 13:

Furthermore, the search criteria of McCoskey do not comprise two or more of a programming network identifier, an indication of source, a network call sign for a station, a broadcast starting time, a broadcast stopping time, a description of the content, information pertaining to the content, an indication of a bearer medium, a sample of the content, a promotional sample of the content, a previously prepared trailer, and a preview of the content.

Examiner's Response:

As stated in the above rejections of claims 1, 8 and 13, the above limitation is taught by Sie (Figs. 1A and 1B, element 164, para. [0047]).

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one

of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

10. Examiner's Opinion: ¶¶ 7.-9. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11. Claims 1-20 are rejected.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

April 2, 2010